


**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

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U.S.D.C. Atlanta

APR 21 2025

By:  KEVIN P. WEIMER, Clerk
Deputy Clerk

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

Civil Action No. 1:24-cv-03583-VMC Relief Defendants.

DRIVE PLANNING, LLC, and RUSSELL TODD BURKHALTER,

Defendants,

and

**JACQUELINE BURKHALTER, THE BURKHALTER RANCH CORPORATION,
DRIVE PROPERTIES, LLC, DRIVE GULFPORT PROPERTIES LLC, and TBR
SUPPLY HOUSE, INC.,**

Relief Defendants.

_____ /

**RESPONSE OF CERTIFICATE OF SERVICE OF MOTION FOR TURNOVER OF
AND IMPOSITION OF CONSTRUCTIVE TRUST ON REAL PROPERTY
TRACEABLE TO DRIVE PLANNING, LLC**

**JACQUELINE F
DRIVE PROPF
SUPPLY HO' SE**

RESPONSE TO MOTION FOR TURNOVER

I, Mark Haye, an investor in Drive Planning, LLC, respectfully submit this response to the Motion for Turnover filed on March 25, 2025, by court-appointed Receiver, Kenneth D. Murena, Esq.

Drive Planning, LLC has been deemed a Ponzi scheme by the U.S. Securities and Exchange Commission (SEC), with operations and investor accounts frozen as of August 13, 2024.

2024. The loan at issue is an unsecured loan issued under the fraudulent misrepresentation that Drive Planning, LLC was a legitimate financial institution engaged in real estate investments.

Exchange is important to note that I, Mark Haye, had invested substantially more funds into Drive Planning, LLC than the amount of the unsecured loan. This is not a mortgage-backed loan, and therefore, I respectfully submit that seizure of my personal residence is not a fair or appropriate remedy in light of the unsecured nature of the debt and the fraudulent conduct of Drive Planning, LLC.

Since the receivership began, I have made over a dozen efforts to resolve this matter in good faith. These efforts include proposals for payment plans, lump-sum settlements, and restructuring offers. I am currently in the process of securing a conventional loan through a financial institution to fully satisfy the outstanding unsecured loan balance. therefore

I respectfully request that the Court and the Receiver continue to work with me in good faith while I finalize this loan, allowing for full repayment without resorting to turnover or forced sale of my home.

Allowing me the opportunity to repay the loan would be in the best interests of the receivership estate and its investors, as it would avoid the additional costs of property maintenance, taxes, homeowners' association fees, utilities, and sales-related expenses. These costs would otherwise diminish the value of the estate.

Thank you for your time and consideration.

Respectfully submitted,

Mark Haye, Pro Se
1001 1st Avenue, #203, St Petersburg, Florida, 33710
7278047220

Markhay31@yahoo.com

April 10, 2025



Mark Haye, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2025, I, Mark Haye, served a copy of this Response to the Motion for Turnover by the Receivers via U.S. Mail and email to the following counsel:

- Russell Landy – rlandy@dvllp.com
- Adriana Pavon – apavon@dvcattorneys.com
- Kenneth Murena – kmurena@dvllp.com
- Henry F. Sewell, Jr. – hsewell@sewellfirm.com

Respectfully submitted,

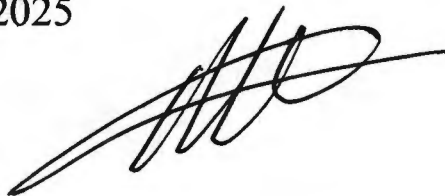
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April 10, 2025



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April 10, 2025



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**UNITED STATES
POSTAL SERVICE.**

Haye

100 1st Ave n

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Civil Action #

1:24-CV-03583-VMC